Proposed New GNSO Policy Development Process – Public Comment

CADNA welcomes the opportunity to provide public comment on the PDP-WT's proposed recommendations for a new GNSO Policy Development Process and has prepared the following comments.

Overall, CADNA was pleased with most of the recommendations that the PDP-WT came up with as laid out in the proposed final report. As stated in the explanation for the development of these recommendations, "ICANN's policies have a wide-ranging impact on how domain names are handled in the gTLD environment, so the method of developing the policies matters." CADNA agrees with this statement and would emphasize that transparency and accountability are the keys to an effective and fair policy development process. This review and the resulting recommendations are an important first step towards the achievement of this goal and we commend ICANN for taking this initiative and would urge it to use the same strategy to other aspects of its processes and policies as well.

CADNA sincerely hopes that ICANN and the GNSO will take advantage of this period of public comment to understand the concerns of its Internet constituencies. These constituencies have diverse points of view, a wealth of experience in maneuvering within the domain name space and can provide important perspectives and know-how on Internet Governance. ICANN and the Internet community would be well served to incorporate these perspectives into the PDP.

CADNA offers the following specific comments on these recommendations:

Recommendation 4: CADNA approves of the development of a 'request for an Issue Report' template for inclusion in the PDP Manual, but questions why its use is not made mandatory. CADNA recommends that such a template be required for all requests for Issue Reports to ensure that such requests are complete, each indicating "definition of issue, identification of problems, supporting evidence, economic impact(s), effect(s) on competition and consumer trust, and rationale for policy development." This would help define the goals of the policy development process, which would facilitate better feedback from the Internet community and keep working groups on task.

Recommendation 11: CADNA strongly supports the addition of a mandatory public comment period following the publication of a Preliminary Issue Report and before the GNSO Council is asked to consider the initiation of a PDP. It will incorporate and allow for critical public input much sooner in the PDP and, as stated, will ensure that no necessary information is missing from the Preliminary Issue Report.

Recommendation 19: CADNA agrees that Annex A of the ICANN Bylaws be updated regarding Work Group charters. It is important to have a mandatory charter in place for

all Working Groups as well as to further define voting threshold. In addition, it is important to ensure that the charter establishes a clear set of goals to work towards in order to be able to properly measure the Working Group's progress.

Recommendation 23: CADNA embraces the recommendation that the term 'within scope' be clarified to mean 'within scope of ICANN's mission and more specifically the role of the GNSO.' With regard to initiation of a PDP, it is important to define how the proposed issue fits within the scope of ICANN's mission and how it addresses the provisions laid out in the Affirmation of Commitments.

Recommendation 28: CADNA supports the proposed modification of Annex A of the ICANN Bylaws to extend the duration of the public comment periods on the Initial Report and the Preliminary Issues Report. Public comments periods are crucial steps in the PDP and increasing them from twenty to a minimum of thirty calendar days will ensure that the public has an adequate amount of time to provide input.

Recommendation 39: CADNA approves of this recommendation regarding how the GNSO Council will be required to treat Working Group recommendations. The PDP-WT should be able to provide additional guidance to the Council on how to treat the identified recommendations in order to make certain that they are properly taken into account.

Recommendation 40: CADNA agrees that all reports to the ICANN Board concerning a PDP should be publicly disclosed. Transparency and accountability are essential to the PDP process and, while CADNA believes that further steps could be taken, this recommendation would be a good first step in the right direction.

CADNA offers the following comments on the proposed PDP Manual:

5.9 PDP Outcomes and Processes: CADNA strongly recommends that the PDP Team be required to engage in the collection of information from outside advisors and experts but would like to see the addition of a provision that would ensure that those selected are of a neutral position.

5.11 Preparation of the Final Report: CADNA would like to know more about how the comments will be evaluated and what would be required to deem them appropriate for inclusion. An additional report on how comments were considered should be required as well. CADNA also proposes that the Final Report be required to be posted for public comment as a [Draft] Final Report. This would maximize accountability and transparency with regard to the PDP, particularly in such cases where substantial changes have been made since the Initial Report.